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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/642,889
		Filing Date	08/18/2003
		First Named Inventor	Hiroyasu Ito, et al.
		Art Unit	2818
		Examiner Name	David Vu
Total Number of Pages in This Submission		Attorney Docket Number	4041J-000437/DVA

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Michael J. Schmidt	Reg. No. 34,007
Signature			
Date	December 21, 2004		

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Signature		Date	December 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV 570 165 138 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/642,889

Filing Date: 08/18/2003

Applicant: Hiroyasu Ito, et al.

Group Art Unit: 2818

Examiner: David Vu

Title: SEMICONDUCTOR DEVICE AND METHOD OF  
MANUFACTURING THE SAME

Attorney Docket: 4041J-000437/DVA

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Director of The United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO ELECTION OF SPECIES**

Sir:

In response to the Office Action mailed November 30, 2004, Paper No./Mail Date  
20041122, please consider the following.

The Examiner has required an election of species pursuant to 35 U.S.C. § 121 to one of the following patentably distinct species:

- I. First embodiment (specification, pages 7-15);
- II. Second embodiment (specification, pages 15-16);
- III. Third embodiment (specification, pages 16-19);
- IV. Fourth embodiment (specification, pages 19-21);

- V. Fifth embodiment (specification, pages 21-24); and
- VI. Sixth embodiment (specification, pages 24-25).

Applicants, without traverse, respectfully request the Examiner to proceed with Species V corresponding to the fifth embodiment shown in Figure 10. Applicants believe that Claims 16, 18, 19 and 22-33 read on the elected species and that at least Claim 16 is generic. Applicants request that the non-elected Claims be held in abeyance for possible rejoinder and/or further prosecution in future divisional and/or continuation applications.

### CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: December 20, 2004  
HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303  
(248) 641-1600

By:



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MJS/pmg